

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Application by
Lakefield Junction LLP for a Certificate
of Site Compatibility for a Nominal 550
Megawatt Simple Cycle Combustion
Turbine Generating Plant in Martin
County.

**FINDINGS OF FACT,
CONCLUSIONS AND ORDER FOR
ADEQUACY OF
ENVIRONMENTAL IMPACT
ASSESSMENT**

The above-captioned matter came before the Minnesota Environmental Quality Board at a regular meeting on November 18, 1999, pursuant to an application by Lakefield Junction Limited Liability Partnership to construct a 550-megawatt simple cycle combustion turbine, 345 kilovolt high voltage transmission line and a high pressure natural gas pipeline in Cedar Township in Martin County Minnesota.

STATEMENT OF ISSUE

Has the Environmental Impact Assessment for the Lakefield Junction Generating Station and other associated facilities been prepared in accordance with the provisions of Minnesota Rule part 4400.3210?

Does the EIA meet the adequacy criteria provided in Minnesota Rule part 4400.3210, subp.6?

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

FINDINGS OF FACT

Authority

1. Under the provisions of the Power Plant Siting Act, Minnesota Statutes sections 116C.51 et seq. (1998), the MEQB is responsible for approving the locations of large electric power generating plants in Minnesota. Environmental review for such facilities is incorporated as an alternative environmental review procedure within Minnesota Rules Chapter 4400. The Environmental Impact Assessment required by these rules is the equivalent of an Environmental Impact Statement under standard environmental review.

Procedural

2. On February 25, 1999, Lakefield Junction LLP filed an application with the Minnesota Environmental Quality Board for a Certificate of Site Compatibility, seeking approval for a site for the construction of a nominal 550-megawatt simple cycle combustion turbine generating plant in Martin County, Minnesota. The site application was submitted under the Power Plant Siting Act, Minnesota Statute sections 116C.51 through 69. Two sites were proposed for construction of the large electric power generating plant.
3. On March 25, 1999, the MEQB accepted Lakefield Junction's application pursuant to Minnesota Rules part 4400.2710. This action by the MEQB initiated the site selection process, including environmental review, public participation and a public hearing, as required by Minnesota Rules chapter 4400.

4. On April 23, 1999, MEQB chair Gene Hugoson appointed a Site Advisory Task Force pursuant to Minnesota Statute section 116C.59, subd. 1 and Minnesota Rules part 4400.2800 and the order of the MEQB. Chair Hugoson also charged the task force with its duties which included the following:
 - Encourage public and governmental participation in its proceedings;
 - Review the Lakefield Junction LLP application for a certificate of site compatibility and evaluate the sites proposed by Lakefield Junction and the environmental analysis in the application;
 - Identify and recommend to the MEQB any additional sites that should be included for consideration by the MEQB in its public hearing;
 - Identify and recommend to the MEQB significant environmental issues associated with the site alternatives to be included in the scope of the environmental impact assessment on the proposed Southern Minnesota Independent Power Project;
 - Identify a site preferred by the Task Force, and submit a Task Force report identifying the preferred site and the considerations supporting the recommendation to the Administrative Law Judge during the public hearing and to the Board; and
 - Establish attendance expectations for membership and procedural rules for Task Force decisions.
5. The Site Advisory Task Force issued a preliminary report within the time provided by rule and submitted its report dated July 1999 to the MEQB. The Task Force report identified environmental issues associated with the project that were to be addressed in the EIA. The Task Force elected not to propose any additional sites to the Minnesota Environmental Quality Board for consideration in the EIA and at public hearing.
6. On August 19, 1999, the MEQB ordered that the scope of the EIA and the public hearing include the two sites identified by Lakefield Junction and that the EIA include the environmental impacts identified in the report of the Site Advisory Task Force.
7. On August 19, 1999, the MEQB also adopted a resolution regarding an order for a contested case hearing on the application to exempt from the Power Plant Siting Act the construction of a 345 kV high voltage transmission line to connect the proposed Lakefield Junction Generating Station with the Lakefield-Wilmarth 345 transmission Line in Cedar Township.

8. On September 6, 1999, notice of the availability of the EIA and of the EIA oral comment meeting was published in the EQB Monitor, and on September 3, 1999, notice of EIA availability and oral comment meeting was distributed to persons on the docket distribution list, as required by Minnesota Statute section 116C.58 and Minnesota Rules part 4400.3710. The notice of EIA availability and public meetings was also provided to the local newspapers in the project area. See Exhibits 18-22.
9. The EIA was properly distributed and was provided to all people requesting a copy.
10. EIA comment meetings took place on September 23, 1999 at 1:00 and 7:00 p.m. in Trimont.
11. The comment period on the EIA begin on September 7, 1999 and closed on October 7, 1999. Responses to all comments on the EIA, in the form of EIA Comments and Responses was filed with the Administrative Law Judge on October 13, 1999 and distributed as required.
12. The record of the public hearing contains all procedural documentation relative to preparation of the EIA.

Scope

13. The Site Advisory Task Force developed the scope of the EIA. The Site Advisory Task Force discussed scoping at their public meetings. The scope included all of the content of the application, with additional information on specific topics identified by the Task Force in its report to the Minnesota Environmental Quality Board. The Minnesota Environmental Quality Board in its order of August 19, 1999 approved the scope.

Environmental Impact Assessment

14. The EIA was prepared, noticed and distributed in accordance with Minnesota Rules part 4400.3210. It included the content requirements provided in Minnesota Rules part 4400.3210, subp. 2.
15. There were no oral comments from the public on the EIA at the public information meetings held in Trimont on September 23, 1999.
16. Three written comment letters were filed with the MEQB staff. Another letter was submitted to the Administrative Law Judge, which the MEQB staff responded to as a part of the EIA Comments and Responses for the Lakefield Junction Generating Station project. The EIA Comments and Responses were filed with Richard C. Luis, Administrative Law Judge, on October 13, 1999. The EIA Responses and Comments were also distributed to all person who had

received a copy of the EIA. Any person may file written comments on the adequacy of the EIA Comments and Responses until November 8, 1999.

Criteria for Determination of Adequacy

17. The criteria for determining adequacy are whether the EIA, comments on the EIA, and responses to comments:
 - a. have adequately addressed significant environmental issues identified by the site advisory task force and the public under Minnesota Rules part 4400.2800 and 4400.3000;
 - b. have been prepared in compliance with the requirements of Minnesota Rules, part 3210;
 - c. have addressed the issues raised on the scope of the EIA so that all issues have been analyzed.

CONCLUSIONS

1. Any of the foregoing Findings that more properly should be designated as Conclusions are hereby adopted as such.
2. The Minnesota Environmental Quality Board has fulfilled all relevant procedural requirements of law or rule applicable to the preparation of an Environmental Impact Assessment for the Lakefield Junction Generation Station project.
3. The Environmental Impact Assessment, comments on the EIA, and responses to comments:
 - a. have adequately addressed significant environmental issues identified by the site advisory task force and the public under Minnesota Rules part 4400.2800 and 4400.3000
 - b. have been prepared in compliance with the requirements of Minnesota Rules part 4400.3210;
 - c. have addressed the issues raised on the scope of the EIA so that all issues have been analyzed.

ORDER

Based on the Findings of Fact and Conclusions contained herein and the entire record:

The Minnesota Environmental Quality Board hereby determines the Environmental Impact Assessment, comments on the EIA, and Responses to comments for the Lakefield Junction Generating Station are adequate.

Approved and adopted this 18th day of November, 1999

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD

Gene Hugoson, Chair

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